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May 1, 2014

Dear Manhattan Beach Business Owner and Manager:

As you are aware, the City of Manhattan Beach has adopted a polystyrene ordinance and plastic bag ordinance to reduce pollution to our marine environment. Amendments to these items were approved by City Council on April 1, 2014, with a period of 31 days before the changes become effective. However, the City is allowing a transition before on each ordinance. Details on the proposals are provided below. Please contact Sona Coffee at [scoffe@citymb.info](mailto:scoffe@citymb.info) or 310-802-5341 with any questions.

*Current Polystyrene Ordinance (Enforceable on April 10, 2014)*

As of October 10, 2013, all food vendors must comply with Ordinance No. 13-0009 to ensure that food service ware containers provided to customers are not made from polystyrene. The current ordinance became enforceable on **April 10, 2014**, and businesses will need to indicate their compliance with the requirements of the existing ordinance on the annual business license renewal application.

*Ordinance 14-0003: Adopted Amendments to Polystyrene Ordinance  
(Enforceable on October 1, 2014)*

In an effort to protect our coastal environment and public health, City Council requested additional items be included in the existing polystyrene ordinance. To ensure that all food service materials are recyclable or compostable, the following items were approved for inclusion in the polystyrene ordinance (in addition to the food service ware containers and cups already prohibited):

- Prohibition on ice coolers, straws, cup lids and utensils made from polystyrene materials
- Prohibition on the sale of polystyrene food service materials in local retail stores

Products made from alternative plastics, or compostable and recyclable materials, are available as replacements for these products. Should any business have difficulty in identifying alternative products, Staff will be available to assist in finding the alternative products. The amendments to the polystyrene ordinance become effective on May 2, 2014, but the City will not enforce the ordinance until **October 1, 2014** to give businesses enough time to find alternative products that comply with the ordinance.

*Ordinance No. 14-0004: Repeal of Plastic Bag Exemption for Restaurants  
(Enforceable on June 15, 2014)*

In July 2008, the City adopted Ordinance No. 2115 prohibiting the distribution of plastic bags at the point-of-sale for all retail establishments. After lengthy litigation, the ordinance was upheld by the California Supreme Court in 2011. However, due to the threat of further litigation this ordinance was amended in 2012 to provide an exemption for restaurants in order to comply with California's Retail Food Code. It has since been determined that environmental regulations like plastic bag ordinances are not preempted by the Retail Food Code.

Therefore City Council adopted an ordinance to remove the exemption of restaurants from the plastic bag ordinance. Restaurants in Manhattan Beach will have to comply with the requirements of the plastic bag ordinance, and replace the use of plastic bags with reusable bags or paper bags made with recycled content materials. Ordinance No. 14-0004 becomes effective as of May 2, 2014, but will not be enforced until **June 15, 2014** to give restaurants additional time to transition away from plastic bags.

*Penalties for Non-compliance*

The City will work with each business to achieve compliance with the plastic bag and polystyrene ordinances to ensure the environmental protection of our community. However, any business found in non-compliance with the City's ordinances will be subject to fines according to our Municipal Code. Each day that a violation occurs is considered a new and separate violation. City Staff will work with each business to find alternative products that meet business needs and comply with the ordinance. If needed, written warnings will be issued at first, and if violations continue then the fine structure below will be implemented.

Every violation determined to be an infraction is punishable by:

- a fine not exceeding one hundred dollars (\$100) for a first violation;
- a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; and
- a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year

If you have any questions regarding the amendments to the polystyrene or plastic bag ordinance, or enforcement of these ordinances, please contact Sona Coffee, the City's Environmental Programs Manager, at (310) 802-5341 or [scoffee@citymb.info](mailto:scoffee@citymb.info).

We appreciate any comments or suggestions you might have.

Sincerely,

*Tony Olmos*

Tony Olmos, Public Works Director  
(310) 802-5313